

REMARKS/ARGUMENTS

Claims 1-60 are pending. Claims 1, 5, 11, 15-20, 24, 31, 34, 41, 45, and 49-51 are currently amended.

CLAIM REJECTIONS UNDER 35 USC 112, SECOND PARAGRAPH

It is respectfully submitted that claims 53, 55, and 57 are supported at least by page 12, lines 21-24, where it is recited "resizing to a standard 'size', e.g., based on the separation of eyes, nose and/or mouth". It is further submitted that claims 58, 59 and 60 are supported at least by page 12, lines 27-29, where it is recited : "first pose normalization is implemented, followed by orientation normalization and finally the face region is normalized for size". Thus, it is respectfully submitted that the rejection of each of claims 53, 55, 57, 58, 59 and 60 under 35 USC 112, second paragraph, should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC 103

Claims 1-13, 15-17, 22-43 and 45-60 are rejected under 35 USC 103(a) as being unpatentable over US patent no. 6,418,235 to Morimoto et al. in view of US published patent application no. 2003/0128877 to Nicponski et al. It is respectfully submitted that each of claims 1-13, 15-17, 22-43 and 45-60, as now amended, is allowable, because no combination of Morimoto et al. and Nicponski et al. teaches or suggests all of the features of Applicants' invention as recited therein. Claim 1 now requires that the normalized face regions comprise spatially normalized face regions, which are normalized with respect to orientation and/or pose. This feature is neither taught by Morimoto et al. nor Nicponski et al. The Examiner concedes that Morimoto et al. do not explicitly mention the normalizing of face regions with respect to size, orientation or pose, or luminance. Nicponski et al. only discloses normalization with respect to size and intensity, and neither pose nor orientation. Claim 1 is thus allowable as amended, and claims 2-4, 7-10, 12-13 are allowable as being dependent from claim 1. Claims 17 and 34 are allowable for the same reasons as claim 1, and claims 22-23, 26-30 and 33

are allowable as being dependent from claim 17, and claims 35-40, 43 and 46-48 are allowable as being dependent from claim 34.

Claim 5 now requires an image data component that comprises multiple tables of image classification events, occasions, locations, or places, or other categories, or combinations thereof, each to which groups of multiple images of the image data are determined to belong. This feature is neither taught nor suggested by any combination of Morimoto et al. and Nicponski et al. In particular, the attribute data of the table of Figure 3 and column 3, lines 43-55 of Morimoto et al. do not meet this feature of Applicants' invention. Instead, the attribute data of Morimoto et al. serve to uniquely identify a single, specific person in a database. The image classification categories of Applicants' invention categorize groups of multiple images together each according to a common characteristic such as that the images were all taken at a certain event, on a certain occasion, at a certain location and/or place, or another category. Claim 5 is thus allowable as amended, and claim 6 is allowable as being dependent from claim 5. Claim 24 is allowable for the same reasons as claim 5, and claim 25 is allowable as being dependent from claim 24.

Claim 11 requires an identity data component that comprises a set of links to a relationship list or a group membership list or both. This feature is neither taught nor suggested by any combination of Morimoto et al. and Nicponski et al. In particular, Figure 3 and column 3, lines 50-55 of Morimoto et al. does not meet this feature of Applicants' invention, and does not disclose any set of links to any list, and particularly not any relationship and/or group membership list. Claim 11 is thus allowable. Claims 31 and 41 are allowable for the same reasons as claim 11, and claim 32 is allowable as being dependent on claim 31, and claim 42 is allowable as being based on claim 41.

Claims 15 and 45 each require an appearance table that comprises a list of links to two or more identity tables associated with two or more distinct appearances determined for the known identity. This feature is simply not taught nor suggested by any combination

of Morimoto et al. and Nicponski et al. Claim 16 is allowable as being dependent from claim 15.

Claims 49, 50 and 51 each require that normalized face regions are normalized prior to extracting face classifier parameters therefrom. The Examiner relies upon paragraph [0033] of Nicponski as teaching the temporal ordering first of the normalizing and then of the extracting. However, there is nothing at paragraph [0033] that teaches or suggests the normalizing of face regions prior to extracting face classifier parameters, nor is there any discussion there of the order of first performing normalizing and thereafter extracting.

Claims 52-53 and 58 are allowable as being based on claim 1 for the reasons set forth above.

Claim 53 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are normalized with respect to a standard size based on separation of eyes, nose or mouth, or combinations thereof.

Claim 58 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are first normalized with respect to pose, and then with respect to orientation, and then with respect to size.

Claims 54-55 and 59 are allowable as being based on claim 17 for the reasons set forth above.

Claim 55 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are normalized with respect to a standard size based on separation of eyes, nose or mouth, or combinations thereof.

Claim 59 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are first normalized with respect to pose, and then with respect to orientation, and then with respect to size.

Claims 56-57 and 60 are allowable as being based on claim 34, for the reasons set forth above.

Claim 57 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are normalized with respect to a standard size based on separation of eyes, nose or mouth, or combinations thereof.

Claim 60 is further allowable because neither Morimoto et al. nor Nicponski et al. teaches or suggests normalized face regions that are first normalized with respect to pose, and then with respect to orientation, and then with respect to size.

Claims 14 and 44 are rejected under 35 USC 103(a) as being unpatentable over Morimoto et al. in view of Nicponski et al. in further view of US patent no. 7,092,555 to Lee et al. Claim 14 is allowable as being based on claim 1, for the reasons set forth above regarding the distinctions between Applicants' invention as set forth at claim 1 and the combination of Morimoto et al. and Nicponski et al., and neither do Lee et al. disclose the discussed features. Claim 44 is allowable as being based on claim 34, for the reasons set forth above with respect to claims 1 and 14.

Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Morimoto et al. in view of US published patent application 2003/0156202 to Van Zee. Claim 18 now requires one or more groups of image data that include image metadata including anthropometrical information associated with conditions of acquisition or normalization, or both, of a face region corresponding to a group of image data and its associated parent image. In particular, Van Zee only teaches at paragraph [0029], lines 1-4 and paragraph [0010], lines 17-21 meta-data that are organized in a camera-specific

collection of files and accessories. In addition, Matraszek et al. only teach capture device meta-data at paragraph [0094], including focal length of a lens and f-number, which are camera-specific parameters, and are not anthropometrical information associated with conditions of acquisition or normalization, or both. Claim 18 is thus allowable.

Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Morimoto et al. in view of Nicponski et al. and Van Zee, and in further view of US published patent application no. 2003/0122839 to Matraszek et al. Claim 19 now requires one or more groups of image data that include image metadata including focusing distance of the lens at time of acquisition, or effective digital camera sensor size, or both. Paragraph [0094] discloses only focal length of a lens and f-number, neither of which meets focusing distance of a lens at the time of acquisition nor effective camera sensor size. Claim 19 is thus allowable.

Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Morimoto et al. in view of Nicponski et al., and in further view of US patent no. 6,400,470 to Takaragi et al. Claim 20 requires one or more image data groups that include additional image data associated with circumstances of acquisition of a parent image and associated face region corresponding to a group of image data. The Examiner is relying upon column 3, lines 16-21 to meet this feature. However, that text does not meet image data associated with circumstances of acquisition of a parent image. The pattern recited by Takaragi et al. cannot be construed to meet Applicants' parent image. The pattern of Takaragi et al. is simply present within the image that is being discussed by Takiaragi et al. at column 3, lines 16-21, whereas a parent image is an image from which another image is derived.

Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Morimoto et al. in view of Nicponski et al., and Takaragi et al., and in futher view of US published patent application no. 2003/0158838 to Okusa. Claim 21 is allowable as being dependent from

claim 20 for the reasons set forth above, and because Okusa also does not teach or suggest one or more image data groups that include additional image data associated with circumstances of acquisition of a parent image and associated face region corresponding to a group of image data. The information disclosed by Okusa has to do with an image under discussion, and not to a parent of the image under discussion.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-4399.

Respectfully submitted,

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